

S.B. 162 - Senator Sherman  
C.S.S.B. 209 - Senator Ogg  
S.B. 295 - Senator McKnight  
S.B. 391 - Senator Brooks  
S.B. 692 - Senator Ogg  
S.B. 764 - Senator Ogg  
C.S.S.B. 765 - Senator Ogg  
S.B. 772 - Senator Ogg  
C.S.S.B. 818 - Senator Snelson  
C.S.S.B. 819 - Senator Wolff  
S.B. 855 - Senator Snelson  
S.B. 868 - Senator Wallace

Monday, April 30, 1973

C.S.S.B. 109 - Senator Moore  
S.B. 340 - Senator Moore  
S.B. 835 - Senator Moore

#### **MEMORIAL RESOLUTIONS**

S.R. 620 - By Senator Snelson: Memorial resolution for Marcus Welch.

S.R. 621 - By Senator Snelson: Memorial resolution for Dr. James H. Chapple.

S.R. 622 - By Senator Creighton: Memorial resolution for Sam Cleveland.

#### **WELCOME AND CONGRATULATORY RESOLUTIONS**

S.R. 619 - By Senators Aikin and Creighton: Extending welcome to Bob Rheudasil.

S.R. 623 - By Senator Ogg: Extending congratulations to Terry Burge.

S.R. 624 - By Senator Brooks: Extending welcome to residents from Pasadena.

#### **ADJOURNMENT**

On motion of Senator Aikin the Senate at 12:37 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### **SIXTY-SECOND DAY (Thursday, April 26, 1973)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz,

Sherman, Snelson, Traeger, Wallace and Wolff.

The following Senator was absent-excused: Blanchard.

A quorum was announced present.

Dr. Ted Richardson, St. John's Methodist Church, Austin, Texas, offered the invocation as follows:

Lord, Thou knowest better than we know ourselves that we are growing older, and will someday be old. Keep us from getting talkative, and especially from the fatal habit of thinking that we must say something on every subject and on every occasion. Release us from wanting to try to straighten out everybody's affairs.

Make us thoughtful, but not moody; helpful, but not bossy. With our vast store of wisdom, it does seem a pity not to use it all, but Thou knowest, Lord, that we want a few friends at the end.

Seal our lips on our many aches and pains. They are increasing and our love of retelling them is becoming sweeter as the years go by.

Teach us the glorious lesson occasionally it is possible that we may be mistaken and take us beyond that by encouraging us to admit it so that at least we can forgive ourselves.

Forgive us, Lord, for taking so little time to pray, but you know how it is, we've got Texas on our hands and we've got to get on with the task. Help us to do it. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### LEAVE OF ABSENCE

Senator Blanchard was granted leave of absence for today on account of illness on motion of Senator Hightower.

### REPORTS OF STANDING COMMITTEES

Senator Moore submitted the following reports for the Committee on State Affairs:

S.B. 686  
C.S.S.B. 925 (Read first time)  
C.S.S.B. 226 (Read first time)  
H.B. 80  
H.B. 376

Senator Sherman submitted the following reports for the Committee on Natural Resources:

S.B. 870 (Amended)  
S.B. 237 (Amended)

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 641  
S.B. 881  
C.S.S.B. 329 (Read first time)  
C.S.S.B. 789 (Read first time)  
H.B. 628 (Amended)

**SENATE RESOLUTION 627**

Senator Moore offered the following resolution:

WHEREAS, The city of Columbus, the oldest surveyed and platted Anglo-American town in Texas, will celebrate its sesquicentennial from May 11 through May 20, 1973; and

WHEREAS, This historic community, located at the site of an earlier Indian village called Montezuma, was settled in 1823 by members of the "Old Three Hundred," the pioneers who received land grants in Stephen F. Austin's first colony; and

WHEREAS, In August, 1823, Stephen F. Austin, assisted by Baron de Bastrop, surveyed 170 acres eight miles above the Atascosito crossing. This present site of Columbus was to be the capital of the colony, but Austin, presumably influenced by the frequency of Indian raids and a desire for a more centrally situated capital, abandoned the location and selected a similar spot on the Brazos River. The original site, however, remained a small hamlet known as Beason's Ferry. The hardy inhabitants of this early settlement adopted the present name in 1835, according to some historians, on the suggestion of a former resident of Columbus, Ohio; and

WHEREAS, Many of the community's residents distinguished themselves in the Texas War of Independence, and the town was burned by Houston's army in 1836 during the "Runaway Scrape" to prevent its use by the Mexican forces. After the victory at San Jacinto, Columbus was resettled, and the new townsite was platted in 1837; and

WHEREAS, In the pre-Civil War days, Columbus emerged as a prominent commercial center. Cotton and other products were shipped out aboard steamships and barges which navigated the Colorado River. The railroad arrived in 1860, and the city subsequently became an important processing point for Texas cattle; and

WHEREAS, Throughout its long and illustrious history, the city of Columbus has been one of the most distinguished and responsible communities in the state. Today, Columbus is enjoying an era of renewed growth and prosperity, and the future indeed appears bright to its optimistic and industrious citizens; and

WHEREAS, To honor the city's 150th anniversary appropriately, its proud citizens are sponsoring a grand and festive celebration from May 11 through May 20, 1973. A historical pageant, entitled "America discovers Columbus," was written especially for the sesquicentennial and will be presented in five performances. Numerous other events and activities have been scheduled for the 10-day celebration to entertain and delight the many local citizens and visitors who will attend this gala affair; and

WHEREAS, During the past 150 years, the city of Columbus has contributed immensely to the growth and progress of the State of Texas, and its reputation as a warm and friendly city is richly deserved and a great credit to the state; and

WHEREAS, It is appropriate that the citizens of Columbus be commended on their successful efforts in building one of Texas' finest municipalities and that the city of Columbus be congratulated upon the celebration of its sesquicentennial anniversary; now, therefore, be it

RESOLVED, That the Senate of the 63rd Legislature, by this resolution, hereby commemorate the establishment of the city of Columbus by members of Stephen F. Austin's original colony in 1823; and, be it further

RESOLVED, That official copies of this Resolution be prepared for the city of Columbus as an expression of the pride and high regard of the Texas Senate in the city on its sesquicentennial anniversary as a Texas municipality.

The resolution was read and was adopted.

**MESSAGES FROM THE GOVERNOR**

The following Message from the Governor was read and referred to the Committee indicated:

Austin, Texas  
April 25, 1973

**TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be District Judge of the Fifth Judicial District of Texas, Bowie County, Texarkana, Texas until the next general election and until his successor shall be duly elected and qualified: The Honorable Bunyan L. Hutchinson, of Texarkana, Bowie County, to replace The Honorable Stuart Nunn, of Texarkana, Bowie County, deceased.

Respectfully submitted,  
**DOLPH BRISCOE**  
Governor of Texas

To Committee on Jurisprudence.

The following Message from the Governor was read and filed with the Secretary of the Senate.

Austin, Texas  
April 25, 1973

**TO THE MEMBERS OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION, STATE OF TEXAS:**

Pursuant to the provisions of Section 5, Article III of the Constitution of the State of Texas, I herewith submit as an emergency matter the following:

An act amending the Texas Credit Union Act.

The recent closing of the Amarillo Air Force Base Credit Union has focused public attention on the weakness in our present laws. This bill clarifies and strengthens the charter procedures and provisions for credit unions and clarifies provisions relating to the directors, officers, and members of credit unions. Penalties for official misconduct are also changed; for example any officer, director, committee member, loan officer or employee of a credit union who embezzles or willfully misapplies money or knowingly aids another to do so upon conviction shall be fined up to \$5,000 or imprisoned up to 10 years or both. New provisions are also made relating to suspension and liquidation of credit unions.

I urge your prompt consideration and enactment of this measure.

Respectfully submitted,  
**DOLPH BRISCOE**  
Governor of Texas

**SENATE BILLS AND RESOLUTION ON FIRST READING**

By unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S.B. 937, A bill to be entitled An Act creating a County Court at Law No. 3 of Travis County, Texas; defining its jurisdiction; conforming the jurisdiction of the County Court of Travis County and other County Courts at Law of said County, thereto; redefining the jurisdiction of the County Court of Travis County and the Judge thereof; providing for the administration of such courts; fixing the terms of this court; fixing the salary and qualifications of the Judge thereof; providing for the appointment and election of such Judge and providing for his removal; providing a severability clause; and declaring an emergency.

To Committee on Jurisprudence.

By Senator McKnight:

S.B. 939, A bill to be entitled An Act relating to the requirements of a private beauty culture school; amending Section 27, Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971 (Article 734C, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on State Affairs.

By Senator Sherman:

S.B. 940, A bill to be entitled An Act relating to the education of exceptional children in private schools; amending Subchapter Z, Chapter 21, Texas Education Code, by adding Section 21.913; and declaring an emergency.

To Committee on Education.

By Senator Traeger:

S.B. 941, A bill to be entitled An Act relating to mutual fire protection agreements between a Texas border city and its corresponding border city in the Republic of Mexico and the duty status of a Texas fireman responding to a call for fire fighting assistance under the agreement; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Schwartz:

S.B. 942, A bill to be entitled An Act relinquishing and quitclaiming to the City of Galveston, Texas, certain property situated in Galveston County, Texas; providing that this Act shall not affect oil, gas and other minerals in, on or under said property; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Ogg:

S.B. 943, A bill to be entitled An Act relating to removal of remains of a deceased person interred in either a dedicated cemetery or an undedicated burial ground; amending Section 22, Chapter 340, Acts of the 49th Legislature, Regular Session, 1945 (Article 912a-22, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Human Resources.

By Senator Schwartz:

S.C.R. 90, Granting Emerald Properties, et al., permission to sue the State of Texas.

To Committee on Intergovernmental Relations.

**SENATE BILL ON FIRST READING**

The following bill submitted as an emergency by the Governor was introduced, read first time and referred to the Committee indicated:

By Senator Sherman:

S.B. 938, A bill to be entitled An Act relating to the organization, powers, operations, regulation, and liquidation of credit unions and certain prohibited acts, penalties, and sanctions; amending Chapter 186, Acts of the 61st Legislature, Regular Session, 1969 (Article 2461-1 et seq., Vernon's Texas Civil Statutes), by amending Sections 2, 5, 7, Subsection (a) of Section 10, Sections 13, 15, 24, 29, 35, and 36, and adding Section 35A and Subsection (e) to Section 16 and Subsection (c) to Section 18; and declaring an emergency.

To Committee on Economic Development.

**SENATE BILL 623 RE-REFERRED**

On motion of Senator Moore and by unanimous consent, S.B. 623 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Intergovernmental Relations.

**HOUSE BILL 120 ON THIRD READING**

The President laid before the Senate on its third reading and final passage:

H.B. 120, A bill to be entitled An Act relating to qualifications for jury service; amending Article 2133, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 13.

Yeas: Adams, Braecklein, Brooks, Clower, Gammage, Harrington, Kothmann, Longoria, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson, Wallace and Wolff.

Nays: Aikin, Andujar, Creighton, Harris, Herring, Hightower, Jones, Mauzy, McKinnon, McKnight, Moore, Ogg and Traeger.

Absent-excused: Blanchard.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, April 26, 1973

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 58, In memory of Justice Matt Davis.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

**HOUSE BILL 158 ON THIRD READING**

The President laid before the Senate on its third reading and final passage:

H.B. 158, A bill to be entitled An Act revising and amending provisions relating to licenses and license fees issued by the Parks and Wildlife Department; etc.; and declaring an emergency.

The bill was read third time.

Senator Aikin offered the following amendment to the bill:

Amend H.B. 158, Sec. 2, Sub-Section 2 by striking quoted Section 2 in its entirety and substituting the following:

"Section 2. Non-resident Hunting License. No non-resident citizen of this State or alien shall hunt any wild bird or wild animal in this State without first having procured from the Game and Fish Commission, or one of its authorized agents, a non-resident hunting license. The fee for a non-resident citizen or alien hunting license shall be Thirty-Seven Dollars and Fifty Cents (\$37.50), Twenty-Five Cents (\$.25) of such amount shall be retained by the officer issuing such license as his fee for collecting, issuing, and making report on license so issued and for remitting the remaining Thirty-Seven Dollars and Twenty-Five Cents (\$37.25) to the Game and Fish Commission; provided, however, that a hunting license entitling the holder thereof to hunt migratory birds only for a period of five (5) consecutive days shall be issued to any person entitled to a non-resident citizen or alien hunting license upon payment of a fee of Ten Dollars and Twenty-Five Cents (\$10.25), Twenty-Five Cents (\$.25) of which amount shall be retained by the issuing officer. That any person entitled to a hunting license shall be permitted to hunt migratory waterfowl in this State by procuring a non-resident or alien hunting license for a fee of Ten Dollars and Twenty-Five Cents (\$10.25), Ten Dollars (\$10) of which shall be paid into the Game and Fish Fund and Twenty-Five Cents (\$.25) shall be retained by the issuing officer; provided, however, that this license shall apply to those non-resident citizens or aliens who live in a state or legal domicile which affords to the State of Texas similar reciprocal privileges at the same cost and which shall apply only to migratory waterfowl."

The amendment was read and was adopted.

On motion of Senator Creighton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed.

**RECORD OF VOTES**

Senators Clower, McKinnon, Patman, Wolff and Schwartz asked to be recorded as voting "Nay" on the final passage of the bill.

**HOUSE BILL 100 ON SECOND READING**

On motion of Senator Wolff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 100, A bill to be entitled An Act validating and legalizing all special assessments and reassessments for street improvements levied or purported to be levied by any and all cities in the state and validating the proceedings

of the governing bodies of such cities levying or purporting to levy such assessments or reassessments; etc.; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### **HOUSE BILL 100 ON THIRD READING**

Senator Wolff moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 100 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Herring and Snelson.

Absent-excused: Blanchard.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **RECORD OF VOTES**

Senators Snelson, Aikin and Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

#### **HOUSE BILL 300 ON SECOND READING**

On motion of Senator Wolff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 300, A bill to be entitled An Act relating to the licensing of pharmacists, exempting certain persons from requirement of a license before distributing certain drugs and medicine; amending Section 8, Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 4542a, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

#### **RECORD OF VOTE**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### **HOUSE BILL 300 ON THIRD READING**

Senator Wolff moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 300 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton,



Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Herring, Mauzy and Moore.

Absent-excused: Blanchard.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

### COMMITTEE SUBSTITUTE HOUSE BILL 166 ON THIRD READING

The President laid before the Senate on its third reading and final passage:

C.S.H.B. 166, A bill to be entitled An Act relating to the right of an injured employee to select a licensed physician or chiropractor under workmen's compensation law; amending Section 7, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

The bill was read third time.

Senator Hightower offered the following amendment to the bill:

Amend Committee Substitute to H.B. 166 by striking Sections 1 and 2, substituting therefor the following and renumbering subsequent Sections:

Section 1. Section 2, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 2. The provisions of this law shall not apply to actions to recover damages for personal injuries nor for death resulting from personal injuries sustained by domestic servants or casual employees engaged in employment incidental to a personal residence, farm laborers, ranch laborers, nor to the employees of any person, firm or corporation operating any steam, electric, street, or interurban railway as a common carrier."

Sec. 2. Section 7, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 7. The employee shall have the sole right to select or choose the persons or facilities to furnish medical aid, hospital services, and nursing and the association shall be obligated for or, alternatively, at the employee's option furnish such medical aid, hospital services, nursing, chiropractic services, and medicines as may reasonably be required at the time of the injury and at any time thereafter to cure and relieve from the effects naturally resulting from the injury. Such treatment shall include treatments necessary to physical rehabilitation, including proper fitting and training in the use of prosthetic appliances, for such period as the nature of the injury may require or as necessary to reasonably restore the employee to his normal level of physical capacity or as necessary to give reasonable relief from pain, but shall not include any other phase of vocational rehabilitation. The obligation of the

association to be responsible for hospital services as herein provided shall not be held to include any obligation on the part of the association to pay for medical, nursing or surgical services not ordinarily provided by hospitals as a part of their services.

"Upon receipt thereof, the Board shall promptly analyze each notice of injury incurred by an injured employee covered under this law. If the Board concludes that vocational rehabilitation is indicated in any such case, it immediately shall take the necessary steps to inform the injured employee of the services and facilities available to him under the Texas Rehabilitation Commission and the Board immediately shall notify said Commission of such case. In each such case recommendation of services and facilities shall be made after consultation by the Board with the physician or chiropractor furnishing medical aid or chiropractic services as required by this Section, who shall retain general supervision of treatment of the injured employee and, should the employee request it, the Board shall consult with a physician or chiropractor specially trained in such treatment. The Board shall co-operate with said Texas Rehabilitation Commission with reference to the work of said Commission in providing said services and facilities to injured employees covered under the provisions of this law.

"Provided that any physician or chiropractor rendering medical or chiropractic care to any injured workman shall render an initial report as soon as practical identifying the injured workman and stating the nature and extent of the injury and thereafter shall render subsequent reports reasonably necessary to keep the status of the claimant's condition known. The reports are to be made to the Industrial Accident Board, the association, and the injured workman. The failure of the physician or chiropractor to make such reports shall relieve the association and the injured workman from any obligation to pay for the services rendered by the physician or chiropractor."

Sec. 3. Section 7a, Article 8306, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Section 7a. If it be shown that the employee is receiving medical aid, hospital services, chiropractic services, and medicines provided for by Section 7 hereof in such manner that there is reasonable ground for believing that the life, health or recovery of the employee is being endangered or impaired thereby, the Board may order a change in the physician, chiropractor or other requirements of said section after holding a hearing on the change. If the employee fails promptly to comply with such order after receiving it, the Board may relieve the association from its responsibility to pay for or alternatively furnish medical aid, hospital services, chiropractic services, and medicines until such time as the employee complies with the order of the Board."

The amendment was read and was adopted.

On motion of Senator Wallace and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 17, Nays 11.

Yeas: Adams, Andujar, Bracklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Kothmann, Mauzy, McKnight, Meier, Patman, Santiesteban, Schwartz and Wallace.

Nays: Aikin, Creighton, Jones, Longoria, McKinnon, Mengden, Moore, Sherman, Snelson, Traeger and Wolff.

Absent: Harris and Ogg.

Absent-excused: Blanchard.

### LEAVE OF ABSENCE

Senator Moore was granted leave of absence for the remainder of today on account of important business on motion of Senator Clower.

### COMMITTEE SUBSTITUTE HOUSE BILL 340 ON SECOND READING

Senator Gammage asked unanimous consent to suspend the regular order of business and take up C.S.H.B. 340 for consideration at this time.

There was objection.

Senator Gammage then moved to suspend the regular order of business and take up C.S.H.B. 340 for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Gammage, Harrington, Harris, Hightower, Jones, Kothmann, Longoria, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Clower, Creighton, Herring, Mauzy, McKinnon, McKnight and Snelson.

Absent-excused: Blanchard and Moore.

The President laid before the Senate on its second reading and passage to third reading:

C.S.H.B. 340, A bill to be entitled An Act relating to the qualifications for taking the examination for admission to the State Bar of Texas; etc.; and declaring an emergency.

The bill was read second time.

Senator Snelson offered the following amendment to the bill:

Amend C.S.H.B. 340, Section 1, line 27 by inserting the words "or the equivalent of such course".

The amendment was read.

Question, Shall the amendment be adopted?

Pending discussion of the amendment, Senator Clower moved to recommit C.S.H.B. 340 to the Committee on Jurisprudence.

Senator Gammage made the substitute motion to set C.S.H.B. 340 as Special Order at 11:00 o'clock a.m., Wednesday, May 2, 1973.

The motion to set C.S.H.B. 340 as Special Order was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 16, Nays 12, Present-Not voting 1.

Yeas: Adams, Aikin, Braecklein, Brooks, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mengden, Santiesteban, Schwartz, Sherman and Wallace.

Nays: Andujar, Clower, Creighton, Jones, Mauzy, McKinnon, McKnight, Meier, Patman, Snelson, Traeger and Wolff.

Present-Not voting: Ogg.

Absent-excused: Blanchard and Moore.

Question recurring on the motion to recommit C.S.H.B. 340 to the Committee on Jurisprudence, the motion was lost by the following vote: Yeas 12, Nays 16, Present-Not voting 1.

Yeas: Andujar, Clower, Creighton, Herring, Jones, Mauzy, McKinnon, McKnight, Patman, Snelson, Traeger and Wolff.

Nays: Adams, Aikin, Braecklein, Brooks, Gammage, Harrington, Harris, Hightower, Kothmann, Longoria, Meier, Mengden, Santiesteban, Schwartz, Sherman and Wallace.

Present-Not voting: Ogg.

Absent-excused: Blanchard and Moore.

Question recurring on the adoption of the amendment by Senator Snelson to C.S.H.B. 340, the amendment was adopted.

Senator Snelson offered the following amendment to the bill:

Amend C.S.H.B. 340, Section 1 by striking line 53 through 65, page 1 and line 1 through line 8 on page 2.

The amendment was read and was adopted.

On motion of Senator Gammage and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### **RECORD OF VOTES**

Senators Herring, Mauzy, Meier, McKinnon, McKnight, Clower, Jones and Longoria asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### **RECORD OF VOTE**

Senator Ogg asked to be recorded as voting "Present-Not Voting" on the passage of the bill to third reading.

#### **SENATE BILL 167 LAID ON TABLE SUBJECT TO CALL**

On motion of Senator Adams and by unanimous consent, S.B. 167 was Laid on Table Subject to Call.

#### **SENATE BILL 850 LAID ON TABLE SUBJECT TO CALL**

On motion of Senator Creighton and by unanimous consent, S.B. 850 was Laid on Table Subject to Call.

**HOUSE BILL 543 ON SECOND READING**

Senator Sherman asked unanimous consent to suspend the regular order of business and take up H.B. 543 for consideration at this time.

There was objection.

Senator Sherman then moved to suspend the regular order of business and take up H.B. 543 for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Adams, Andujar, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, McKnight, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wallace.

Nays: Aikin, Clower, Longoria, Mauzy, McKinnon, Patman and Wolff.

Absent-excused: Blanchard and Moore.

The President laid before the Senate on its second reading and passage to third reading:

H.B. 543, A bill to be entitled An Act amending statutes providing for the regulation of the financing of insurance premiums, providing for licensing of companies engaging in such business by the Consumer Credit Commissioner; etc.; and declaring an emergency.

The bill was read second time.

Senator Sherman offered the following Committee Amendment to the bill:

Amend Section 1, Article 12.02. (2) to read as follows:

"(2) Any bank or savings and loan association doing business under the laws of this State or of the United States shall receive a license upon notification to the Consumer Credit Commissioner of its intention to operate under the provisions of this Chapter. The Consumer Credit Commissioner shall forthwith issue a license to any such bank or savings and loan association."

The Committee Amendment was read and was adopted.

On motion of Senator Sherman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was read second time and was passed to third reading by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Mauzy and Patman.

Absent-excused: Blanchard and Moore.

**HOUSE BILL 543 ON THIRD READING**

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 543 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, McKnight, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Longoria, Mauzy, McKinnon and Patman.

Absent-excused: Blanchard and Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**RECORD OF VOTES**

Senators Patman and Aikin asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE BILL 162 ON SECOND READING**

On motion of Senator Sherman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 162, A bill to be entitled An Act relating to bi-county day schools for the deaf; amending Subsection (b), Section 11.10, Texas Education Code; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**SENATE BILL 162 ON THIRD READING**

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 162 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard and Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**SENATE BILL 295 ON SECOND READING**

Senator McKnight asked unanimous consent to suspend the regular order of business and take up S.B. 295 for consideration at this time.

There was objection.

Senator McKnight then moved to suspend the regular order of business and take up S.B. 295 for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 2, Present-Not voting 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Tracger, Wallace and Wolff.

Nays: Jones and Mauzy.

Present-Not voting: Brooks and Gammage.

Absent-excused: Blanchard and Moore.

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 295, A bill to be entitled An Act relating to compensation to certain counties in which either the county attorney or criminal district attorney performs the duties of a district attorney in addition to the duties of a county attorney or criminal district attorney; and declaring an emergency.

The bill was read second time.

Senator McKnight offered the following Committee Amendment to the bill:

Amend Section 1 of Senate Bill 295, to read as follows:

"Section 1. Collin County, Deaf Smith County, Denton County, Grayson County, Gregg County, Hidalgo County, Orange County, Randall County, and Victoria County, in all of which counties there is either the office of criminal district attorney or the office of county attorney performing the duties of a district attorney, shall receive annually from the State an amount equal to the compensation paid by the State to district attorneys as authorized by Article V, Section 21, Constitution of Texas. Such compensation shall be paid into the salary fund of each county in 12 equal monthly installments."

The amendment was read.

Senator Creighton offered the following substitute for the pending Committee Amendment to the bill:

Amend Section 1 of Senate Bill 295 to read as follows:

"Section 1. Collin County, Deaf Smith County, Denton County, Eastland County, Galveston County, Grayson County, Gregg County, Hidalgo County, Jefferson County, Orange County, Randall County, Lamar County and Victoria County, in all of which counties there is either the office of criminal district attorney or the office of county attorney performing the duties of a district attorney, shall receive annually from the State an amount equal to the

compensation paid by the State to district attorneys as authorized by Article V, Section 21, Constitution of Texas. Such compensation shall be paid into the salary fund of each county in 12 equal monthly installments."

The substitute for the pending Committee Amendment was read and was adopted.

The Committee Amendment as substituted was then adopted.

On motion of Senator McKnight and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Senator Mauzy raised the Point of Order that the fiscal note attached to the bill did not include the cost in the counties included in the substitute adopted for the Committee Amendment.

The President overruled the Point of Order stating that the fiscal note rule requirement applies to the first stage of the bill.

The bill as amended was passed to engrossment.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 295 ON THIRD READING

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 295 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4, Present-Not voting 1.

Yeas: Adams, Aikin, Braecklein, Clower, Creighton, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Andujar, Gammage, Jones and Mauzy.

Present-Not voting: Brooks.

Absent-excused: Blanchard and Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 2, Present-Not voting 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Jones and Mauzy.

Present-Not voting: Brooks.



Absent: Ogg.

Absent-excused: Blanchard and Moore.

### EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate (Senator McKinnon having given notice on yesterday).

Senator McKnight moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present) Yeas 17, Nays 12.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Gammage, Harrington, Hightower, Longoria, Mauzy, McKnight, Ogg, Patman, Santiesteban, Schwartz, Sherman and Wolff.

Nays: Adams, Creighton, Harris, Herring, Jones, Kothmann, McKinnon, Meier, Mengden, Snelson, Traeger and Wallace.

Absent-excused: Blanchard and Moore.

Accordingly, the President at 12:45 o'clock p.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 12:56 o'clock p.m. today.

Senator McKinnon moved confirmation of the nominees considered in Executive Session.

### NOMINEES CONFIRMED

#### MEMBERS OF THE BOARD OF DIRECTORS OF THE GUADALUPE - BLANCO RIVER AUTHORITY

For terms to expire February 1, 1979:

John C. Taylor, of Seguin, Guadalupe County;

O. T. Moore, Jr., of Lockhart, Caldwell County;

Joseph Patrick Kelly, of Victoria, Victoria County.

#### MEMBERS OF THE EMPLOYEES RETIREMENT SYSTEM OF TEXAS BOARD OF TRUSTEES

Edward A. Stumpf, of Houston, Harris County, term effective September 1, 1972, and to expire August 31, 1978.

#### MEMBER OF THE COMMISSION ON SERVICES TO CHILDREN AND YOUTH

Mrs. Henry (Nancy) Ewald, of Seguin, Guadalupe County, term to expire January 31, 1979.

#### MEMBER OF THE COMMISSION FOR INDIAN AFFAIRS

Dempsie Henley, of Liberty, Liberty County, term to expire January 31,

1979.

The nominees were confirmed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Blanchard and Moore.

#### NOTICE OF EXECUTIVE SESSION

Senator Aikin asked unanimous consent that the Senate hold an Executive Session at 11:30 o'clock a.m. tomorrow.

There was no objection.

#### NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Friday, April 27, 1973

C.S.S.B. 121 - Senator Brooks  
C.S.S.B. 226 - Senator Kothmann  
S.B. 227 - Senator Mauzy  
S.B. 514 - Senator Patman  
S.B. 558 - Senator Brooks  
C.S.S.B. 644 - Senator Schwartz  
S.B. 686 - Senator Mauzy  
S.B. 786 - Senator Schwartz  
C.S.S.B. 819 - Senator Wolff  
S.B. 848 - Senator Jones  
S.B. 868 - Senator Wallace  
S.J.R. 32 - Senator Jones  
C.S.S.C.R. 70 - Senator Wolff  
H.B. 147 - Senator Brooks  
H.B. 181 - Senator Patman  
H.B. 754 - Senator Traeger  
H.B. 772 - Senator Aikin

Monday, April 30, 1973

S.B. 147 - Senator Gammage  
S.B. 391 - Senator Brooks  
C.S.S.B. 789 - Senator Gammage  
S.B. 801 - Senator Snelson  
C.S.S.B. 816 - Senator Creighton  
C.S.S.B. 818 - Senator Snelson  
S.B. 855 - Senator Snelson

Tuesday, May 1, 1973

S.B. 163 - Senator Adams  
S.B. 688 - Senator Adams  
C.S.H.B. 340 - Senator Gammage  
H.B. 370 - Senator Mauzy  
H.B. 441 - Senator Mauzy

**MEMORIAL RESOLUTIONS**

H.C.R. 58 - Memorial resolution for Justice Matt Davis.

S.R. 625 - By Senator Blanchard: Memorial resolution for Walter Posey.

S.R. 626 - By Senator Blanchard: Memorial resolution for Sheriff Grady Harrist.

S.R. 629 - By Senator Snelson: Memorial resolution for Bryan Hunt.

S.R. 630 - By Senator Snelson: Memorial resolution for Albert W. Eckert.

S.R. 631 - By Senator Snelson: Memorial resolution for W. E. "Bill" Dietert.

S.R. 632 - By Senator Snelson: Memorial resolution for Merton G. Shurley.

S.R. 633 - By Senator Snelson: Memorial resolution for Ed Dixon.

S.R. 634 - By Senator Adams: Memorial resolution for John Raymond Wilson.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

S.R. 628 - By Senator Mengden: Extending welcome to government and economics class from Cypress-Fairbanks High School.

S.R. 635 - By Senator Adams: Extending congratulations to Mrs. Imogene Burnes.

S.R. 636 - By Senator Adams: Extending congratulations to Athens High School Concert Band.

S.R. 637 - By Senator Adams: Extending congratulations to Jacksonville High School Golf Team.

S.R. 638 - By Senator Adams: Extending congratulations to Miss Becky Neal.

S.R. 639 - By Senator Adams: Extending congratulations to Susan Turner.

S.R. 640 - By Senator Adams: Extending congratulations to Bob Cummings.

S.R. 641 - By Senator Adams: Extending congratulations to Miss Kathy Franklin.

S.R. 642 - By Senator Adams: Extending congratulations to City of Overton.

S.R. 643 - By Senator Ogg: Extending congratulations to Bernard J. (Jose) Garcia.

**RECESS**

On motion of Senator Aikin the Senate at 1:00 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.